

## Why use mediation?

- **Problems can be resolved before they escalate.** Workplace problems that are not solved have a way of growing into much bigger problems. Mediation provides an opportunity to address conflicts before the employee becomes so dissatisfied that he/she files a grievance or lawsuit or leaves their job.
- **Mediation is confidential.** A supervisor may know when an employee participates in a resolution conference because they are away from work. However, all parties involved in mediation sign a confidentiality agreement and information discussed during the mediation is not disclosed to anyone.
- **Parties are on an equal footing since mediators are neutral.** Oftentimes when a dispute arises in the workplace, one or both parties may feel more vulnerable due to a perceived power imbalance. This could be due to rank (job title), length of service, educational level, size of person, or degree of aggression. In Alternative Dispute Resolution, the mediator's role is to facilitate a resolution to the dispute; a resolution that both parties can agree to. The mediator is neither an advocate nor an adversary to either party. The mediator ensures that both parties have equal participation in the process and will not allow anyone to feel intimidated.
- **Participants determine the outcome.** Mediators DO NOT determine the outcome of cases. The mediator acts as a facilitator to ensure all parties are afforded the opportunity to speak to the issues in a respectful, non-judgmental way and assists them in reaching their own solution.
- **There's nothing to lose by trying mediation.** A settlement agreement must be acceptable to BOTH people in the conflict. If the parties are not able to negotiate a resolution either person is free to proceed with further action. Mediation does not replace the grievance process. Additionally, when parties agree to participate in an Alternative Dispute Resolution Conference, the grievance time clock is stopped pending the outcome of the conference. Therefore, grievance timeframes are not jeopardized by participating in mediation.
- **Helps reduce feelings of hostility.** When a workplace conflict remains unresolved, resentment and hostility often arise. As a result, people begin to communicate ineffectively or stop communicating entirely. Mediation helps both parties express their feelings in a non-hostile way so that each one understands the other's point of view.
- **Improves morale.** When there is an unresolved conflict or communication problem the morale of the employees involved, as well as their coworkers suffers. Conversations generally are focused on complaining about the problem, creating polarization instead of a supportive team environment. In mediation, both parties involved in the dispute participate and agree to the resolution; there are no winner's or losers. Mediation produces a more cohesive work environment *after* a dispute has taken place.
- **Improves working relationships.** One need not socialize with co-workers if they choose not to do so. However, working relationships based on mutual respect are important in maintaining a positive work environment and a cohesive team relationship.
- **Helps separate emotional issues from factual issues.** When two people in a conflict sit down with a neutral mediator, it is easier to focus on the facts of the

dispute. Sometimes, when there is a long-standing conflict, the people begin to personally attack each other, rather than focus on finding a solution to the problem.

- **Promotes a Win-Win outcome.** Mediation has become increasingly popular as people recognize the benefit of participating in a mutually agreeable outcome. When problems are resolved in a formal legal forum, a third party determines the outcome and there is a winner and a loser. Generally, people who participate in Alternative Dispute Resolution say they are satisfied with the outcome and their situation has improved.

#### **Mediation cannot:**

- make someone's pain go away
- make someone's supervisor give them a raise
- make a co-worker change their personality
- replace any form of corrective or disciplinary action
- solve all problems

While mediation CAN do great things, the mediator, as well as the participants cannot change situations beyond his/her control. However, mediation can help participants better understand one another and provide a safe environment where both parties have the opportunity to openly discuss problems.

### **How to start the process**

- Contact Jamie Nagle at the Department of Human Resource Management (DHRM), by email at: [jnagle@utah.gov](mailto:jnagle@utah.gov) or by phone at 801-538-3377 or 538-3025 to schedule an Alternative Dispute Resolution Conference. You will then be sent a Request for Mediation form to fill out and return to DHRM. Reasonable accommodations will be provided upon request.
- DHRM will coordinate a date and location for the Conference, locate a qualified Mediator, and contact the other parties involved in the conflict and request their approval to participate in an Alternative Dispute Resolution Conference., However, since mediation is voluntary the other party may not wish to participate (in which case we will let you know).
- After a date is established you will receive a packet that includes a confirmation letter and additional information about the mediation process.

### **Mediator Information**

DHRM Mediators must have successfully completed at least 40 hours of formal mediation training and 10 hours of observing formal mediations facilitated by qualified mediators. Additionally, Mediators must have conducted three mediations as the primary Mediator. Mediators must not have any prior relationships with the disputing parties, nor do they have any information about or involvement in the conflict.

### **How to contact us:**

Dept. of Human Resource Management at 538-3025,  
or contact Jamie Nagle at 538-3377, or [jnagle@utah.gov](mailto:jnagle@utah.gov)